

JUDGE LIMAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	x	
	:	
UNITED STATES OF AMERICA	:	<u>INDICTMENT</u>
	:	
- v. -	:	20 Cr.
	:	
COREY SMITH,	:	20 CRIM 544
ELAINE CARBERRY,	:	
	:	
Defendants.	:	
- - - - -	x	

COUNT ONE
(Conspiracy to Commit Arson)

The Grand Jury charges:

1. On or about July 15, 2020, in the Southern District of New York and elsewhere, COREY SMITH and ELAINE CARBERRY, the defendants, and others known and unknown, combined, conspired, confederated, and agreed, together and with each other, to commit arson, in violation of Title 18, United States Code, Section 844(f).

2. It was a part and object of the conspiracy that COREY SMITH and ELAINE CARBERRY, the defendants, and others known and unknown, would and did maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a vehicle, in whole and in part owned and possessed by an institution and organization receiving Federal financial assistance, in violation of Title 18, United States Code,

Section 844(f).

(Title 18, United States Code, Section 844(n).)

COUNT TWO
(Arson)

The Grand Jury charges:

3. On or about July 15, 2020, in the Southern District of New York and elsewhere, COREY SMITH and ELAINE CARBERRY, the defendants, maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire and an explosive, a vehicle, in whole and in part owned and possessed by an institution and organization receiving Federal financial assistance, to wit, SMITH and CARBERRY used ignitable liquid to set fire to a marked NYPD vehicle in New York, New York.

(Title 18, United States Code, Sections 844(f) and 2.)

FORFEITURE ALLEGATIONS AND SUBSTITUTE ASSET PROVISION

4. As a result of committing the offenses alleged in Counts One and Two of this Indictment, COREY SMITH and ELAINE CARBERRY, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) any and all property, real or personal, which constitutes or is derived from proceeds traceable to the offenses alleged in Counts One and Two of this Indictment.

Substitute Asset Provision

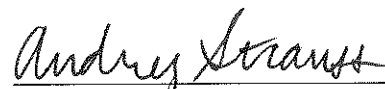
5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

COREY SMITH,
ELAINE CARBERRY

Defendants.

INDICTMENT

20 Cr.

(18 U.S.C. §§ 844(n), 844(f), and 2.)

AUDREY STRAUSS
Acting United States Attorney


Foreperson
